

**ASSEMBLY BILL**

**No. 1144**

**Introduced by Assembly Member Harman**

February 22, 2005

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An act to amend Section 115725 of the Health and Safety Code, relating to playground safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1144, as introduced, Harman. Playground safety standards.

Existing law requires the State Department of Health Services, in consultation with specified other agencies and entities to adopt regulations for the design, installation, maintenance, inspection, supervision where appropriate, and training of personnel involved in the design, installation, and maintenance of playgrounds either operated by public agencies or operated by any entity where the playground is open to the public.

This bill would require the state department to adopt and amend, as necessary, its playground safety standards in order to meet current ATSM (American Society for Testing and Materials) standards for playground safety.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 115725 of the Health and Safety Code is
- 2 amended to read:
- 3 115725. ~~On or before January 1, 1992, the~~ (a) The state
- 4 department, in consultation with the office of the State Architect,
- 5 the California Parks and Recreation Society, the League of

1 California Cities, the Department of Parks and Recreation, the  
2 State Department of Education, and the California Council of the  
3 American Society of Landscape Architects, shall adopt  
4 regulations for the design, installation, inspection, maintenance,  
5 and supervision where appropriate, and training of personnel  
6 involved in the design, installation, and maintenance, of all  
7 playgrounds either operated by public agencies, including a state  
8 agency, city, county, city and county, school district, and any  
9 other district, or operated by any entity where the playground is  
10 open to the public. ~~Those~~

11 *(b) Those regulations shall be consistent with the current*  
12 *ATSM (American Society for Testing and Materials) standards,*  
13 *ATSM F1487-95, for playgrounds and shall be amended, as*  
14 *necessary, to conform to the most recent ATSM playground*  
15 *safety standards as these are revised. The regulations shall also*  
16 *meet the standard of care imposed by courts of law on*  
17 *playground operators, and shall, at a minimum, impose*  
18 *guidelines and criteria that shall be at least as protective as the*  
19 *guidelines in the Handbook for Public Playground Safety*  
20 *produced by the United States Consumer Products Safety*  
21 *Commission, shall give due consideration to any successor to the*  
22 *Handbook for Public Playground Safety that may be published,*  
23 *and shall include more protective requirements where the state*  
24 *department finds those guidelines will provide inadequate*  
25 *protection.* ~~The~~

26 *(c) The regulations shall include special provisions for*  
27 *playgrounds in day care settings, that shall be developed in*  
28 *consultation with the State Department of Social Services and the*  
29 *California Children's Lobby, and that shall be appropriate for*  
30 *children within the range of ages in day care settings. The state*  
31 *department shall not be responsible for enforcement of any*  
32 *regulations pursuant to this section.*